

1 THE DEPONENT: Oh, excuse me, I understood  
2 the hiring of the Assistant Chief.

3 EXAMINATION CONTINUED

4 BY MS. RODRIGUEZ FRANK:

5 Q Okay, but how about the preparation of  
6 the PD?

7 A The preparation of the PD, I assisted.

8 Q You assisted?

9 A Yes. It is two different things.

10 Q I know. I think the rank and filing was  
11 done by her.

12 A Yes.

13 Q And do you know whether or not Mr.  
14 Figueroa and Mr. Bou applied for the Assistant Chief?

15 A Yes, I know they applied. We talk every  
16 day, yes.

17 Q And why did you think that Mr. Marrero  
18 needed an additional person to become Assistant  
19 Chief? Was that considered that he needed someone  
20 else to be Assistant Chief--

21 A He requested, Engineer Marrero  
22 requested an Assistant Chief position and it was  
23 approved by top management.

24 Q But do you go with him to that meeting

1                   in which he presented his need?

2                   A    I go to some of the meetings in which  
3                   he presented, not all the meetings.

4                   Q    And what was the thrust of the  
5                   arguments in order for him to get approved that  
6                   position?

7                   A    I didn't go to that meeting.

8                   Q    And what did he say to you?

9                   A    He came to my office and he told me  
10                  specifically that he was approved by these positions  
11                  and that he needed me to work with the position  
12                  descriptions and the announcements.

13                  Q    He didn't tell you why he needed an  
14                  Assistant Chief?

15                  A    No, he told me that he was approved.

16                  Q    And how about, do you know whether or  
17                  not Mr. Marrero has someone in the states that acts  
18                  as his mentor?

19                  A    No.

20                  Q    No?

21                  A    No.

22                  Q    That he was approved a member in the  
23                  states in order to receive training?

24                  A    No, the only thing I know is that we

1 had an incident in the hospital and we had a team  
2 visit us in the hospital and I believe he was going  
3 to visit the hospitals in the VA in Florida and look  
4 at all the hospitals and he went, he went to the  
5 hospitals in the VA.

6 Q And the incident was the one where the  
7 oxygen---

8 A Yes.

9 Q And there was some death involved?

10 A Yes. And he visited, all the -- I  
11 believe, I am not exactly sure what hospitals he went  
12 to, but I know it was in Florida.

13 A And did the incident recur, did it  
14 happen again?

15 A No, no.

16 Q Not like that? Something different  
17 happened?

18 A Things happen every day in the hospital  
19 but not an incident like that, no.

20 Q It didn't happen twice?

21 A No.

22 Q That the hospital ran out of oxygen  
23 twice?

24 A No, not that type of incident, no.

1 Q And what type of incident?

2 A Oh, we have incidents every day. What  
3 incidents do you want to know? We have incidents  
4 every day with all the operational functions, all the  
5 functions of the hospital. There is incidents every  
6 day in the VA Hospital. So what incident specifically  
7 do you want to know?

8 Q I am telling you, I know for a fact  
9 that the hospital ran out twice of oxygen.

10 MS. GONZALEZ: Objection, counsel. Your  
11 knowledge of information is not relevant and she  
12 already answered the question.

13 MS. RODRIGUEZ FRANK: I am going to ask  
14 her again.

15 EXAMINATION CONTINUED

16 BY MS. RODRIGUEZ FRANK:

17 Q Are you sure that the oxygen didn't run  
18 out twice?

19 MS. GONZALEZ: Objection, asked and  
20 answered.

21 EXAMINATION CONTINUED

22 BY MS. RODRIGUEZ FRANK:

23 Q One time there was another similar  
24 incident with the oxygen?

1                   A    Different incident.

2                   Q    But related to oxygen?

3                   A    Yes, we have incidents related to  
4                   oxygen different times of the year, not just that  
5                   time. This type of incident was one type of incident  
6                   that happened.

7                   Q    Why do you think it is different than  
8                   the other ones?

9                   A    Because it is not the same, it is not  
10                  the same.

11                  Q    Okay, but describe to me the first  
12                  incident, the one in which there was death involved.

13                  A    I was not aware there was death  
14                  involved.

15                  Q    Okay, but the one that he was required  
16                  to visit hospitals in the States.

17                  A    No, I don't believe he was specifically  
18                  required to visit hospitals in the states because of  
19                  that incident, because we have been visited by these  
20                  hospitals in the states, we have been visited all the  
21                  time hospitals in the states, and it had been  
22                  determined---

23                  Q    But all the time during what, the  
24                  tenure of Mr. Marrero?

1                   A    Well, every time, every time we have  
2                   visits.

3                   Q    From who, the Joint Commission or--

4                   A    No, we have teams from the VISN that  
5                   come and do inspections of the hospital, not just  
6                   Joint Commission.

7                   Q    Are you sure that the frequency of  
8                   those visits is not higher now than before?

9                   A    What type of visit?

10                  Q    The ones that you are telling to me,  
11                  the VISN.

12                  A    It's that we have always had them. I  
13                  wouldn't say that we have more now than we had  
14                  before. We always have visits, we always have visits.

15                  Q    And what is the purpose, do you assist  
16                  those people when they come in?

17                  A    No, it depends on what the visit is  
18                  related to.

19                  Q    Okay.

20                  A    The Joint Commission Inspection, yes,  
21                  we have to assist. The Inspector General, yes, we  
22                  have to assist. It depends what they are coming to.

23                  Safety I am not involved in, and we have

1 safety visits all year.

2 Q Who else? Safety, IG, who else, the  
3 Joint Commission--

4 A We have surveys, the Joint Commissions,  
5 we have the IG, we have Security, and so on.

6 Q And they come by themselves or they are  
7 asked to come?

8 A I don't know who appoints them to come.  
9 Like for example, the IG, they come and the Joint  
10 Commission, they come and other -- I really don't  
11 know who assigns them to come. I am told we have a  
12 visit, this is the visit, and this is what we need.

13 Q And usually what you are told about,  
14 what is it that you need? What did they tell you that  
15 they need?

16 A Well, from my point, the administrative  
17 side, it depends on the visit, and we have to provide  
18 documentation, such as budget information,  
19 administrative information, it all depends on what  
20 the visit is for and what they need. Sometimes we  
21 have visits that I am not even involved in at all.

22 Q I am going to ask you something, the  
23 new hires of Engineering, are they younger or older  
24 than Mr. Figueroa and Bou?

1           A I don't know their age, but I believe  
2         some of them are like Figueroa.

3           Q Who are they? Who are like Figueroa?

4           A I believe Quiñonez, the Assistant  
5         Chief.

6           Q But he is older than, younger than Mr.  
7         Bou and Mr. Diaz?

8           A Oh, yes, yes.

9           Q Who else, Pedro Calderín?

10          A He is young, I would say like Figueroa.

11          Q Forty five? You have seen his record,  
12         you know how old he is?

13          A No, I don't know how old he is. I don't  
14         know how old he is, I don't recall if I have seen it,  
15         but he is maybe in his mid thirties, getting to his  
16         forties.

17          Q And he is a GS-13 right now?

18          A Calderín, yes.

19          Q And he is a Section Chief?

20          A Yes.

21          Q What position does he have right now?

22          A He is the Section Chief of the Purchase  
23         and Hire Section.

1 Q And he came from Roosevelt Roads?

2 A Yes.

3 Q Mr. Quiñonez also came from, Wilfredo  
4 Quiñonez?

5 A Yes.

6 Q Who else came from Roosevelt Roads?

7 A Cordero, Engineer Cordero and Engineer  
8 Gilda Rivera came from Roosevelt Roads.

9 Q And why do you think he hires them all  
10 from Roosevelt Roads?

11 MS. GONZALEZ: Objection, counsel, calls  
12 for speculation.

13 EXAMINATION CONTINUED

14  
15 BY MS. RODRIGUEZ FRANK:

16 Q Yes, you have to answer, even if it is  
17 speculative.

18 Has he told you why he hires people from  
19 Roosevelt Roads?

20 A No.

21 Q You haven't asked him?

22 A No, he always says that he hires the  
23 best qualified candidates and I wasn't involved in  
24 none of those interview processes and selections.

1 Q No? Are aren't currently involved?

2 A Excuse me?

3 Q Are they relatives of someone there,  
4 for example? Mr. Marrero, does he have any personal  
5 relationship with any of the higher management there?

6 A Not that I am aware of.

7 Q How about, do they have a relationship  
8 between them?

9 A What type of relationship?

10 Q Well, it could be the same one that you  
11 have with Mike, Godfather, Godmother--

12 A Well, not that I am aware of.

13 Q Are they friends?

14 A Yes, they are friends.

15 Q While they were hiring for the position  
16 of Acting Chief, what did you hear from Mrs. Nunci?  
17 You just told me about the incident of Eduardo Diaz,  
18 that he told Mrs. Janette Diaz, and you were present  
19 there, that he was going over the applications, and  
20 he was called to return them Human Resources?

21 A Yes.

22 Q He was told to return them to Human  
23 Resources, or were they---

24 A I believe he was called, he was called

1 from Human Resources to return the applications?

2 Q Is that what he told you or---

3 A No, that's what Engineer Diaz told me.

4 Q That he was told to return them or he  
5 came to his office and he didn't find them?

6 A No, he told me that they called him  
7 specifically to Human Resources to return the  
8 applications.

9 Q And he did it personally?

10 A I don't know.

11 Q You don't know?

12 A No.

13 Q And do you remember hearing Mr. Bou say  
14 that he was asked to write on white paper for Mrs.  
15 Nunci in order to write down what changes he wanted  
16 to make to the service in order to improve it?

17 A Yes, Engineer Bou told me.

18 Q He told you?

19 A Yes.

20 Q Were you there in Mrs. Janet Diaz's  
21 office when this incident of Eduardo Diaz and the  
22 applications took place?

23 A Yes.

24 Q In her office?

1                   A Yes. There was a meeting, I don't  
2 recall exactly, I think we were discussing the FT,  
3 the staff meeting, and I know that Mr. Diaz mentioned  
4 that he was evaluating these applications and then  
5 when we were at the office in Facility Management  
6 Service, Engineer Diaz informed me that he had to  
7 return the applications, that he was called by Iris  
8 Aleman, that I remember.

9                   Q And it was Iris Aleman who called him  
10 in?

11                  A Yes.

12                  Q You told me that you had been to the  
13 Executive Finance Board, it has another name too --  
14 two meetings in which to justify, have you seen any  
15 reluctance from management, the triad, in not to  
16 approve position for Mr. Marrero?

17                  A Yes, yes.

18                  Q What opposition have they, what are the  
19 opposing arguments?

20                  A No, it depends. Normally it depends if  
21 we have the budget, because fiscal takes in a budget  
22 report where they say that this is the budget we  
23 have, so we have to depend on what we've got to  
24 allocate funds, and we have had positions that have

1 not been approved to be hired.

2 Q And they have given you the position. I  
3 don't understand.

4 A No, no. There's positions that we have  
5 requested for the shops, it all depends on what  
6 positions. Some we get approved, and none. I can tell  
7 you that under Engineer Marrero we have had some  
8 positions approved and some that have not been  
9 approved.

10 Q And the positions that he has not been  
11 approved, in what area are they, technical,  
12 engineering?

13 A Technical

14 Q Technical area?

15 A Yes, and administrative are.

16 Q In the administrative area, they want  
17 you to do, that is your area?

18 A Yes.

19 Q So you have less personnel? Engineering  
20 gets gratified with more positions?

21 A Well--

22 Q They tell you you have to make due with  
23 what you have?

24 A At this time we have to deal with what

1 we've got.

2 Q Okay, at this time?

3 A Yes.

4 Q Have you heard any negative comments  
5 about age regarding Mr. Bou and Mr. Diaz, that he is  
6 told that he is older than the building?

7 A He is older than the--

8 Q The VA building?

9 A No, I have not heard that he is older  
10 than the VA building.

11 Q What have you heard?

12 A I have heard in meetings, sometimes,  
13 and this is in a joking manner, that they have said  
14 "old", the word old.

15 Q Are they both referred to as old,  
16 Eduardo Diaz and Bou, or just Bou?

17 A Well, the times I have heard it it has  
18 been with Bou.

19 Q Have you been there when Mr. Diaz has  
20 been told that he is old too?

21 A Not that I recall.

22 Q I understand that one of the new hires  
23 from Mr. Marrero is also older than, you just told me  
24 that Mr. Quiñonez is older than Mike?

1 A No, Mr. Quiñonez is young.

2 Q Miguel Cordero?

3 A Yes.

4 Q Is Miguel Cordero told that he is old  
5 too?

6 A Not that I have heard.

7 Q Do you think there is some resentment  
8 from Mr. Marrero with both Mr. Bou and Figueroa and  
9 Diaz because they had worked there before he came in?

10 MS. GONZALEZ: Objection, calls for  
11 speculation.

12 EXAMINATION CONTINUED

13 BY MS. RODRIGUEZ FRANK:

14 Q Have you heard some negative comments?

15 A No.

16 Q Are they treated the same way as the  
17 employees that he has hired? Have they been promoted  
18 under his supervision?

19 A Promoted? No, they are GS-13.

20 Q Have duties been taken off of them in  
21 order to boost the positions for some of his new  
22 hires, like for example Mr. Calderín?

23 A Not necessarily, no because what  
24 Engineer Marrero did was the re-organization in the